

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SANTOS ARNULFO ESCOBAR,

Plaintiff,

-against-

MAHOPAC FOOD CORP. (d/b/a  
ASSOCIATED f/d/b/a PIONEER),  
DARHAN DARHAN, AND HAMED  
DOE,

Defendants.

**MEMORANDUM AND ORDER**

Case No. 19-CV-510

*For the Plaintiff:*

JOHN TROY

Troy Law, PLLC

41-25 Kissena Blvd., Suite 110

Flushing, NY 11355

**BLOCK, Senior District Judge:**

On April 23, 2024, the Court referred to Magistrate Judge James R. Cho a motion for default judgment by Santos Arnulfo Escobar (“Plaintiff” or “Escobar”) in this wage-and-hour action against Mahopac Food Corp. (“Mahopac”), Darhan Darhan (“Darhan”), and Hamed Doe (“Hamed”) (collectively, “Defendants”).

On March 5, 2025, Magistrate Judge Cho issued a Report & Recommendation (“R&R”) recommending the Court grant Plaintiff’s motion as to defendants Mahopac and Darhan, but deny the motion as to defendant Hamed. The R&R also recommended the Court award Plaintiff: damages totaling \$251,400.14,

consisting of \$115,578.07 in unpaid overtime compensation, \$10,122.00 in spread-of-hours damages, and \$125,700.07 in liquidated damages; pre- and post-judgment interest; and attorney's fees in the amount of \$7,864.05 and costs in the amount of \$696.30.

The R&R gave the parties fourteen days to file objections, i.e., until March 19, 2025, and warned that “[f]ailure to file timely objections may waive the right to appeal the District Court’s order.” ECF No. 110, at 42. No objections have been filed. If clear notice has been given of the consequences of failing to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) (“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” (citations omitted)). The Court will, however, excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts the R&R without *de novo* review. The Court enters judgment against Mahopac and Darhan jointly and severally, and awards Plaintiff damages of \$251,400.14, attorney’s fees and costs of \$8,560.35, and pre- and post-judgment

interest. The claims against Hamed are dismissed. The Clerk shall enter judgment in accordance with this opinion.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
March 27, 2024